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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,959	12/04/2003	Mu Hsiang Lin	C3P3001-USP920813	4389
7590	12/20/2005		EXAMINER GILBERT, ANDREW M	
Mu Hsiang Lin 235 Chung - Ho Box 8-24 Taipei, TAIWAN			ART UNIT 3767	PAPER NUMBER
DATE MAILED: 12/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/726,959	LIN, MU HSIANG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrew M. Gilbert	3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

### ***Specification***

2. The disclosure is objected to because of the following informalities: The examiner suggests changing all recitations of the terms "sucking" and "suck" to the preferred "suctioning" and "suction" respectively. Additionally, the examiner suggests changing all recitations of the term "easy" to "at ease."

Appropriate correction is required.

***Claim Objections***

3. Claim 6 objected to because of the following informalities: Claim 6 recites the limitation "an internal of the suction unit" on In 2. The examiner assumes the Applicant meant "an internal area of the suction unit". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 6 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The examiner cannot ascertain how the suction unit as claimed and disclosed in the specification functions to creating a vacuum to suction air into the inlet (32) without having inlet and exhaust valves to control the open and closing of the first channel outlet (341) and the second channel inlet (351) because when the air bag chamber (37) is compressed by the driving element (39) the air would be forced back through the first channel outlet and the second channel outlet and no differential pressure would be created to form a vacuum for suction.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 recites the limitation "the transmission tube" in ln 14. There is insufficient antecedent basis for this limitation in the claim. Also, claim 1 recites "a cover" on ln 6 and "the cover" on lns 15 and 16 and it is unclear to the examiner to which structure of the invention the two recitations of the cover is directed because they appear to be reciting different structures.

8. Claim 8 recites the limitation "drain-proof element" in ln 2. There is insufficient antecedent basis for this limitation in the claim. The examiner assumes the Applicant meant to recite "driving element".

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Aida et al (4759747). Aida et al discloses a breast pump with a pressure adjusting means having an adjusting unit (30) with a casing having a tube with an inlet and outlet (Fig 3) and a receiving space communicating with the tube (Fig 2, 3), the receiving space being sequentially arranged with an elastic element (47), comprising a spring (col 3, ln 30), a plug (42), and a drain-proof element (49), comprising an O-ring (col 2, ln 58), and it is well known that O-rings are made of rubber, with a cover (41) arranged on the drain-proof element that has an adjusting hole (46a, b) and an operation hole (42a) which communicate to the receiving space (Fig 2, 3) and the external space (Fig 3), the

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operation hole having a rod portion (48) with a key (48b). There is a transmission tube (61) connected to one end of casing tube (33) that connects to an inlet of a suction unit (Fig 1; col 2, Ins 28-37). Additionally, there is a cover (10) combined with a container (20) that includes a cup (11) and the cover has a combining portion (21, 32) connected to the receiving space (Fig 2, 3).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aida et al in view of Tominaga (4608000). Aida et al discloses the invention substantially as claimed except for expressly disclosing a specific suction unit with a first channel that communicates to the air chamber and having a lateral side with an outlet, one end of the first channel being connected to the second channel but the channel not being in communication with the second channel, the second channel having an inlet and an exhausting hole, at least one rod connected to the outer side of the air chamber, the air bag chamber being connected between the outlet of the first channel and the inlet of the second channel, the rod having a driven element being a magnet, a driving element being a silicon steel sheet and a coil, and the suction unit having an adjusting button to adjust the current flow to change the suction force. Tominaga teaches that it is known to have a suction unit (Fig 1) with a first channel (27) that communicates to the air

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chamber (28), the first channel having a lateral side with an outlet (31), one end of the first channel being connected to the second channel (29) but the channel not being in communication with the second channel (Fig 2), the second channel having an inlet (33) and an exhausting hole (35), at least one rod (18) connected to the outer side of the air chamber (Fig 2), an air bag chamber (28) being connected between the outlet of the first channel and the inlet of the second channel (Fig 2, 4A-C), the rod having a driven element (17) being a magnet (col 2, ln 39), a driving element (1) being a silicon steel sheet (6, 10, 11, 12; col 2, lns 43-55) and a coil (9), and the suction unit having a adjusting button ( ) to adjust the current flow to change the suction force ( ) for the purpose of providing an air pump usable as a source of suction that is capable of minimizing energy loss and noise. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the suction unit as taught by Aida et al with the suction unit as taught by Tominaga for the purpose of providing an air pump usable as a source of suction that is capable of minimizing energy loss and noise.

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over over Aida et al in view of Tominaga in further view of Szekely (2143391). Aida et al and Tominaga disclose the invention substantially as claimed except for the suction unit having an adjusting button for adjusting the current flow through the driving means to control the force of the pump and resulting suction force. Szekely teaches that it is known to have an adjusting mechanism (15) to change the current flow through the electromagnet (1) for the purpose of providing a pump whose output is adjustable by the user. It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to modify the suction unit as taught by Aida et al and Tominaga with the adjusting mechanism as taught by Szekely for the purpose of providing a pump whose output is adjustable by the user.

**Conclusion**

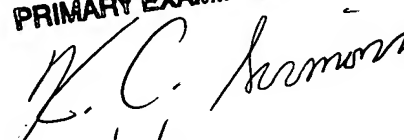
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Gilbert whose telephone number is (571) 272-7216. The examiner can normally be reached on 8:30 am to 5:00 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrew Gilbert

KEVIN C. SIRMONS  
PRIMARY EXAMINER

  
12/18/05